

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Shannon Miller, et al.,

Case No. 15-cv-3740-PJS-LIB

Plaintiffs,

v.

**AMENDED ORDER FOR  
SETTLEMENT CONFERENCE**

The Board of Regents of the University  
of Minnesota,

Defendant.

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Magistrate Judge Kate Menendez will hold a settlement conference on **May 29, 2018, at 9:00 in Courtroom 8E**, Minneapolis Federal Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415. All participants should plan on spending the entire day and evening, if necessary, at this settlement conference.

**Who Must Attend**

Counsel and each party, armed with full settlement authority, shall be present in person. This means that each party must attend through a person who has the power to change that party's settlement posture during the course of the conference. If any counsel has a question about who should attend the conference, please contact Judge Menendez's chambers via email for further guidance.

**Meeting Ahead of the Conference**

To encourage the parties to address settlement on their own, counsel must speak directly with one another either by telephone or in person on or before

**May 15, 2018**, to engage in a full and frank discussion of settlement. Prior to or during this meeting, the parties must exchange at least one round of demand from the plaintiffs and specific offers from the defendant. Ideally the parties will have engaged in multiple rounds of these negotiations by the date of the settlement conference.

**Confidential Letters to the Court**

Counsel for each party shall email the Court on or before **May 22, 2018**, a confidential letter setting forth:

- (1) the parties' respective settlement positions before the meeting;
- (2) the parties' respective positions following the meeting;
- (3) a concise analysis of any remaining significant legal issues, including those affecting liability, with citation to relevant authority;
- (4) a reasoned, itemized computation of each element of the alleged damages, with a concise summary of the testimony of each witness who will testify in support of the damage computations;
- (5) a candid analysis of the strengths and weaknesses of their client's case;
- (6) justification for the party's last stated settlement position;
- (7) the name and position of the person who will attend the settlement conference with full authority to settle the case; and
- (8) any additional information that will assist the parties in reaching agreement.

Counsel are advised that the settlement conference in this matter will be "global" and will involve the previously dismissed plaintiffs as well as issues being raised in parallel state court proceedings, anticipated post-trial litigation and anticipated appeals of the ultimate judgments in this case.

The letters are for the Court's use only and should not be served on opposing counsel. Counsel may fax their confidential settlement letters to chambers at 612-664-5147 or send them by email to [menendez\\_chambers@mnd.uscourts.gov](mailto:menendez_chambers@mnd.uscourts.gov).

**Failure to Comply**

Failure of any party or insurance company to comply with any part of this Order may result in the postponement of the settlement conference or imposition of an appropriate sanction on the party, company or attorney who failed to comply, or both.

Date: April 16, 2018

*s/ Katherine Menendez*  
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Katherine Menendez  
United States Magistrate Judge